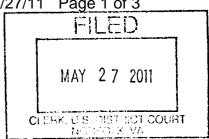
Case 2:10-cv-00547-RBS -TEM Document 81 Filed 05/27/11 Page 1 of 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



DRAGA	SM	ANA	GFM.	ENT	CORP.

Plaintiff,

Civil Action No. 2:10-cv-547

٧.

THE HANOVER INSURANCE COMPANY,

and

CITIZENS INSURANCE COMPANY OF AMERICA,

Defendants.

## DEFENDANTS' MOTION FOR LEAVE TO SUBMIT RECENTLY-DECIDED AUTHORITY IN FURTHER SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants Hanover Insurance Company and Citizens Insurance Company of America (collectively, "Hanover") respectfully move the Court for leave to submit a recent decision from the Circuit Court of Virginia Beach, Virginia, in which the court held a "pollution exclusion" in a homeowners' insurance policy precluded coverage for claims relating to damage caused by "Chinese Drywall." The arguments supporting this motion for leave are set forth in the accompanying Memorandum in Support of Defendants' Motion for Leave to Submit Recently Decided Authority in Further Support of Their Motion for Summary Judgment.

MOTION GRANTED.

Entered this and day of may 20 11

Rebecca Beach Smith United States District Judge Date: May 12, 2011

## Respectfully submitted,

/s/

Thomas S. Garrett
VSB No. 73790
Counsel for Hanover Insurance Company
and Citizens Insurance Company of America
Harman, Claytor, Corrigan & Wellman, P.C.
P.O. Box 70280
Richmond, Virginia 23255

Phone: 804-474-5200 Fax: 804-747-6085 tgarrett@heew.com

## and

John P. Malloy
(admitted pro hac vice)
Counsel for Hanover Insurance Company
and Citizens Insurance Company of America
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103

Phone: 860-275-8200 Fax: 860-275-8299 jmalloy@rc.com

## CERTIFICATE

I hereby certify that on the 12<sup>th</sup> day of May, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

W. Edgar Spivey, Esq. Kristan B. Burch, Esq. R. Johan Conrod, Jr., Esq. Kaufman & Canoles, P.C. 150 West Main Street, Suite 2100 Norfolk, VA 23510

/s/

Thomas S. Garrett
VSB No. 73790
Attorney for The Hanover Insurance Company and
Citizens Insurance Company of America
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255

Phone: 804 747-5200 Fax: 804-747-6085 tgarrett@hccw.com